IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A., Plaintiffs, v. AKAMAI TECHNOLOGIES, INC., Defendant.	§ § § § § § § § § § § §	Civil Action No. 2:17-cv-00405 PATENT CASE JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. ("Uniloc USA") and Uniloc Luxembourg, S.A. ("Uniloc Luxembourg") (together, "Uniloc"), as and for their complaint against defendant, Akamai Technologies, Inc. ("Akamai"), allege as follows:

THE PARTIES

1. Uniloc USA is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc USA also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Upon information and belief, Akamai is a Delaware corporation having a principal place of business in Cambridge, Massachusetts and a regular and established place of business at 15950 Dallas Parkway Suite 225, Dallas, Texas 75248. Upon information and belief, Akamai

offers its products and services, including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Akamai may be served with process through its registered agent in Texas: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

4. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Akamai is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in Texas and this judicial district.

6. Akamai is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing and/or soliciting business in Dallas, Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas, including National Instruments Corporation.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,324,578)

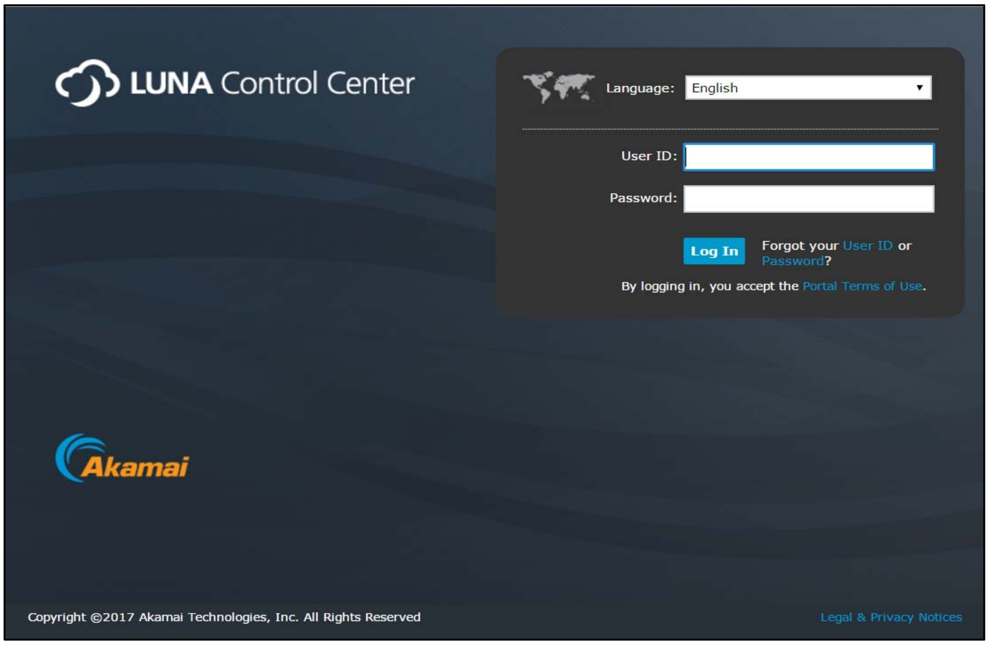
7. Uniloc incorporates paragraphs 1-6 above by reference.

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,324,578 ("the '578 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR MANAGEMENT OF CONFIGURABLE APPLICATION PROGRAMS ON

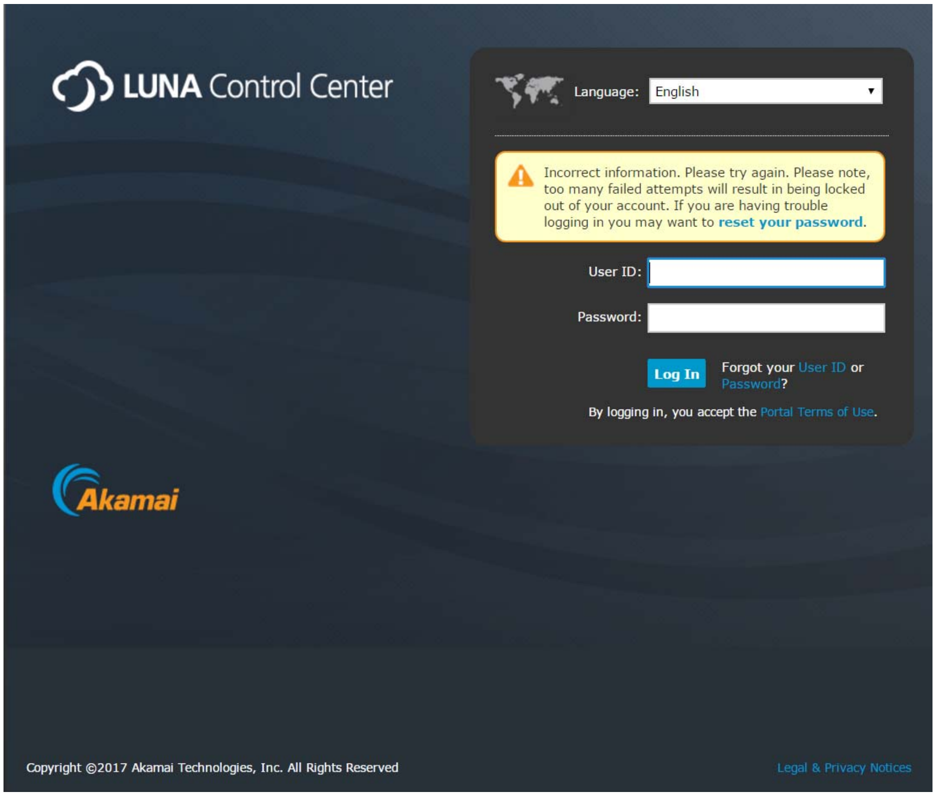
A NETWORK that issued on November 27, 2001. A true and correct copy of the ’578 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the ’578 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

10. As following image shows, Akamai operates a Content Delivery Network (“CDN”) known as Luna Control Center:


LUNA Control Center
Language:
English
User ID:
Password:
Log In
Forgot your User ID or Password?
By logging in, you accept the Portal Terms of Use.
Akamai
Copyright ©2017 Akamai Technologies, Inc. All Rights Reserved
Legal & Privacy Notices

11. The following image shows that the Luna Control Center CDN will refuse to run if the user’s credentials are not valid:


LUNA Control Center
Language: English
Incorrect information. Please try again. Please note, too many failed attempts will result in being locked out of your account. If you are having trouble logging in you may want to reset your password.
User ID:
Password:
Log In
Forgot your User ID or Password?
By logging in, you accept the Portal Terms of Use.
Akamai
Copyright ©2017 Akamai Technologies, Inc. All Rights Reserved
Legal & Privacy Notices

12. Via the Luna Control Center portal, Akamai offers users a plurality of solutions and services including, for example, Luna Resolve network troubleshooting tools.

13. According to www.akamai.com, "Luna Control Center has flexible mechanisms to secure, control and protect access to different web content and applications."

14. As shown above, Users must log in to gain access to the Luna Control Center.

15. According to www.akamai.com, customers using the Luna Control Center "can arrange and customize widgets to layout a dashboard with the most relevant information in a consumable and comprehensive way."

16. The following image from www.akamai.com also shows that, upon entry to the Luna Control Center CDN, users may customize their home page:

> Upon entry to Luna Control Center, users may customize their home page to reference the most relevant CDN management information quickly.

17. The Luna Control Center CDN software is stored on Akamai server(s) located at http://control.akamai.com.

18. An administrator using the Luna Control Center CDN may assign custom roles and settings to users, add new users and reset an existing password.

19. Akamai has directly infringed, and continues to directly infringe one or more claims of the ’578 Patent, including at least claims 17-21, 23-24, 31-36, 39, 41 and 44 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Luna Control Center CDN in the United States during the pendency of the ’578 Patent which software and associated architecture *inter alia* allows for installing an application program having a plurality of configurable preferences and authorized users on a server coupled to a network, distributing an application launcher program to a client, obtaining a user set of the configurable preferences, obtaining an administrator set of configurable preferences and executing the application program using the user and administrator sets of configurable preferences responsive to a request from a user.

20. In addition, should the Akamai Luna Control Center CDN be found to not literally infringe the asserted claims of the ’578 Patent, the system would nevertheless infringe the asserted claims of the ’578 Patent. More specifically, the system performs substantially the same function (obtaining user and administrator sets of configurable preferences), in substantially the same way (via a user and administrator), to yield substantially the same result (executing an application program using the configurable preferences in response to a request from a user on a network). Akamai would thus be liable for direct infringement under the doctrine of equivalents.

21. Akamai has indirectly infringed and continues to indirectly infringe at least claims 17-21, 23-24, 31-36, 39, 41 and 44 of the ’578 Patent by, among other things, actively inducing

the using, offering for sale, selling, or importing the Luna Control Center CDN. Akamai's customers who use the system in accordance with Akamai's instructions directly infringe one or more of the foregoing claims of the '578 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Akamai directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at the following:

- www.akamai.com
- https://support.akamai.com
- https://community.akamai.com
- https://edge.akamai.com
- https://developer.akamai.com
- http://blogs.akamai.com
- https://itunes.apple.com/us/app/akamai
- https://play.google.com/store/apps/details?id=com.akamai
- www.youtube.com, including:
- www.youtube.com/user/akamaitechnologies
- www.youtube.com/watch?v=QHn3WRJmgQ
- www.youtube.com/watch?v=TxL1MCNgZ0
- www.youtube.com/watch?v=gTYY8BuwNT0
- www.youtube.com/watch?v=zAxSE1M4yKE
- www.youtube.com/watch?v=3RIAvMk1UoM
- www.youtube.com/watch?v=401E5A4Tges

Akamai is thereby liable for infringement of the '578 Patent under 35 U.S.C. § 271(b).

22. Akamai will have been on notice of the ’578 Patent since, at the latest, the service of this complaint. By the time of trial, Akamai will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of one or more of claims 17-21, 23-24, 31-36, 39, 41 and 44 of the ’578 Patent.

23. Akamai may have infringed the ’578 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Luna Control Center CDN.

24. Uniloc has been damaged by Akamai’s infringement of the ’578 Patent.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 7,069,293)

25. Uniloc incorporates paragraphs 1-6 above by reference.

26. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,069,293 (“the ’293 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR DISTRIBUTION OF APPLICATION PROGRAMS TO A TARGET STATION ON A NETWORK that issued on June 27, 2006. A true and correct copy of the ’293 Patent is attached as Exhibit B hereto.

27. Uniloc USA is the exclusive licensee of the ’293 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

28. Akamai uses on-demand servers such as AkamaiGHost to host Luna Control Center software.

29. According to www.akamai.com, Akamai uses central servers that communicate with edge servers to distribute solutions and services to users.

30. Akamai has directly infringed, and continues to directly infringe one or more claims of the ’293 Patent, including at least claims 1, 12 and 17 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Luna Control Center CDN in the United States during the pendency of the ’293 Patent which software and associated architecture *inter alia* allow for providing an application program for distribution to a network server, specifying source and target directories for the program to be distributed, preparing a file packet associated with the program including a segment configured to initiate registration operations for the application program at a target on-demand server and distributing the file packet to the target on-demand server to make the program available for use by a client user.

31. In addition, should the Akamai Luna Control Center CDN be found to not literally infringe the asserted claims of the ’293 Patent, the system would nevertheless infringe the asserted claims of the ’293 Patent. More specifically, the accused platform performs substantially the same function (distributing an application program to a target on-demand server on a network), in substantially the same way (via initiation of registration operations for the application program at the target on-demand server), to yield substantially the same result (making the application program available for use by a user at a client). Akamai would thus be liable for direct infringement under the doctrine of equivalents.

32. Akamai has indirectly infringed and continues to indirectly infringe at least claims 1, 12 and 17 of the ’293 Patent by, among other things, actively inducing the using, offering for sale, selling, or importing the Luna Control Center CDN. Akamai’s customers who use the system in accordance with Akamai’s instructions directly infringe one or more of the foregoing claims of the ’293 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Akamai directly

and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at the following:

- www.akamai.com
- https://support.akamai.com
- https://community.akamai.com
- https://edge.akamai.com
- https://developer.akamai.com
- http://blogs.akamai.com
- https://itunes.apple.com/us/app/akamai
- https://play.google.com/store/apps/details?id=com.akamai
- www.youtube.com, including:
- www.youtube.com/watch?v=QHn3WRJmgQ
- www.youtube.com/watch?v=TxL1MCNgZ0
- www.youtube.com/user/akamaitechnologies
- www.youtube.com/watch?v=gTYY8BuwNTO
- www.youtube.com/watch?v=zAxSE1M4yKE
- www.youtube.com/watch?v=3RIAvMk1UoM
- www.youtube.com/watch?v=401E5A4Tges

Akamai is thereby liable for infringement of the ’293 Patent under 35 U.S.C. § 271(b).

33. Akamai will have been on notice of the ’293 Patent since, at the latest, the service of this complaint. By the time of trial, Akamai will have known and intended (since receiving

such notice) that its continued actions would actively induce the infringement of one or more of claims 1, 12 and 17 of the ’293 Patent.

34. Akamai may have infringed the ’293 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Luna Control Center CDN.

35. Uniloc has been damaged by Akamai’s infringement of the ’293 Patent.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 6,510,466)

36. Uniloc incorporates paragraphs 1-6 above by reference.

37. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,510,466 (“the ’466 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR CENTRALIZED MANAGEMENT OF APPLICATION PROGRAMS ON A NETWORK that issued on January 21, 2003. A true and correct copy of the ’466 Patent is attached as Exhibit C hereto.

38. Uniloc USA is the exclusive licensee of the ’466 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

39. According to www.akamai.com, Akamai also monitors the number of authorized users of the Luna Control Center CDN in order to protect against unauthorized use.

40. Akamai has directly infringed, and continues to directly infringe one or more claims of the ’466 Patent in the United States during the pendency of the ’466 Patent, including at least claims 15-20, 22-23, 30-33 and 35-36, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Luna Control Center CDN in the United States during the pendency of the ’466 Patent which software and associated

architecture *inter alia* allows for installing application programs on a server, receiving a login request, establishing a user desktop interface, receiving a selection of one of the programs displayed in the user desktop interface and providing an instance of the selected program for execution by an authorized user.

41. In addition, should the Akamai Luna Control Center CDN be found to not literally infringe the asserted claims of the '466 Patent, the product would nevertheless infringe the asserted claims of the '466 Patent. More specifically, the system performs substantially the same function (selection of an application program), in substantially the same way (via an established user desktop interface), to yield substantially the same result (providing the program for execution by an authorized user). Akamai would thus be liable for direct infringement under the doctrine of equivalents.

42. Akamai has indirectly infringed and continues to indirectly infringe at least claims 15-20, 22-23, 30-33 and 35-36 of the '466 Patent by, among other things, actively inducing the using, offering for sale, selling, or importing the Luna Control Center CDN. Akamai's customers who use the system in accordance with Akamai's instructions directly infringe one or more of the foregoing claims of the '466 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Akamai directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at the following:

- www.akamai.com
- https://support.akamai.com
- https://community.akamai.com
- https://edge.akamai.com

- https://developer.akamai.com
- http://blogs.akamai.com
- https://itunes.apple.com/us/app/akamai
- https://play.google.com/store/apps/details?id=com.akamai
- www.youtube.com, including:
- www.youtube.com/user/akamaitechnologies
- www.youtube.com/watch?v=QHn3WRJmgQ
- www.youtube.com/watch?v=TxL1MCNgZ0
- www.youtube.com/watch?v=gTYY8BuwNTO
- www.youtube.com/watch?v=zAxSE1M4yKE
- www.youtube.com/watch?v=3RIAvMk1UoM
- www.youtube.com/watch?v=401E5A4Tges

Akamai is thereby liable for infringement of the ’466 Patent under 35 U.S.C. § 271(b).

43. Akamai will have been on notice of the ’466 Patent since, at the latest, the service of this complaint. By the time of trial, Akamai will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of one or more of claims 15-20, 22-23, 30-33 and 35-36 of the ’466 Patent.

44. Akamai may have infringed the ’466 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Luna Control Center CDN. Uniloc reserves the right to discover and pursue all such additional infringing software.

45. Uniloc has been damaged by Akamai’s infringement of the ’466 Patent.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 6,728,766)

46. Uniloc incorporates paragraphs 1-6 above by reference.

47. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,728,766 ("the '766 Patent"), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR LICENSE USE MANAGEMENT ON A NETWORK that issued on April 27, 2004. A true and correct copy of the '766 Patent is attached as Exhibit D hereto.

48. Uniloc USA is the exclusive licensee of the '766 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

49. Akamai has directly infringed, and continues to directly infringe one or more claims of the '766 Patent, including at least claims 13-15 and 17 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its Luna Control Center CDN in the United States during the pendency of the '766 Patent which software and associated architecture *inter alia* allow for maintaining user policy based license management information for application programs at a server, receiving a request for a license at the server, determining license availability based on the policy information, and providing an indication of availability or unavailability.

50. In addition, should the Akamai Luna Control Center CDN be found to not literally infringe the asserted claims of the '766 Patent, the system would nevertheless infringe the asserted claims of the '766 Patent. More specifically, the system performs substantially the same function (managing licenses for authorized computer games/software based on user policy information), in substantially the same way (via a client/server environment), to yield substantially the same result (providing authorized games/software to a client). Akamai would thus be liable for direct infringement under the doctrine of equivalents.

51. Akamai has indirectly infringed and continues to indirectly infringe at least claims 13-15 and 17 of the '766 Patent by, among other things, actively inducing the using, offering for sale, selling, or importing the Luna Control Center CDN. Akamai's customers who use the system in accordance with Akamai's instructions directly infringe one or more of the foregoing claims of the '766 Patent in violation of 35 U.S.C. § 271. As set forth *inter alia* above, Akamai directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides for the accused platform, such as those located at the following:

- www.akamai.com
- https://support.akamai.com
- https://community.akamai.com
- https://edge.akamai.com
- https://developer.akamai.com
- http://blogs.akamai.com
- https://itunes.apple.com/us/app/akamai
- https://play.google.com/store/apps/details?id=com.akamai
- www.youtube.com, including:
- www.youtube.com/user/akamaitechnologies
- www.youtube.com/watch?v=QHn3WRJmgQ
- www.youtube.com/watch?v=TxL1MCNgZ0
- www.youtube.com/watch?v=gTYY8BuwNTO
- www.youtube.com/watch?v=zAxSE1M4yKE
- www.youtube.com/watch?v=3RIAvMk1UoM

- www.youtube.com/watch?v=401E5A4Tges

Akamai is thereby liable for infringement of the ’766 Patent under 35 U.S.C. § 271(b).

52. Akamai will have been on notice of the ’766 Patent since, at the latest, the service of this complaint upon Akamai. By the time of trial, Akamai will have known and intended (since receiving such notice) that its continued actions would actively induce the infringement of one or more of claims 13-15 and 17 of the ’766 Patent.

53. Akamai may have infringed the ’766 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Luna Control Center CDN. Uniloc reserves the right to discover and pursue all such additional infringing software.

54. Uniloc has been damaged by Akamai’s infringement of the ’766 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Akamai as follows:

(A) that Akamai has infringed the ’578 Patent, the ’293 Patent, the ’466 Patent, and the ’766 Patent;

(B) awarding Uniloc its damages suffered as a result of Akamai’s infringement of the ’578 Patent, the ’293 Patent, the ’466 Patent, and the ’766 Patent;

(C) awarding Uniloc its costs, attorneys’ fees, expenses and interest, and

(D) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Date: May 9, 2017.

Respectfully submitted,

/s/ Edward R. Nelson III

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